IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

JOHN STANCU,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 3:23-CV-00894-L-BT
	§	
THE HIGHLAND HILTON/HEI	§	
HOTELS & RESORTS,	§	
	§	
Defendant.	§	
	§	

ORDER

On December 4, 2023, the United States Magistrate Judge filed her Findings, Conclusions, and Recommendation recommending the Court dismiss without prejudice each of Plaintiff's claims against Defendant for failure to state a claim. *See* FCR (ECF No. 15). The Magistrate Judge also recommended the Court permit Plaintiff to amend his complaint within 30 days of the entry of an order accepting the Findings, Conclusions, and Recommendation, or a deadline otherwise set by the Court. *Id.* at 18.

On December 26, 2023, Plaintiff filed an Objection to the Findings, Conclusions, and Recommendation. *See* Obj. (ECF No. 16). Among other things, Plaintiff's Objection includes his own affidavit completed in August of 2023. *Id.* at 7-11. This affidavit includes factual allegations and details that were absent from his original Complaint filed on April 27, 2023. *See*

Compl. (ECF No. 3). Accordingly, the Court construes Plaintiff's Objection to the Findings, Conclusions, and Recommendation as an amended complaint.

In view of Plaintiff's Amended Complaint, the Court hereby VACATES the Findings, Conclusions, and Recommendation dated December 4, 2023. The Court TERMINATES as moot Defendant's Motion to Dismiss filed on May 22, 2023, which is directed at Plaintiff's original Complaint. *See* Mot. (ECF No. 7). The Court further ORDERS Defendant to respond to the Amended Complaint within 21 days of the date of this Order—by **January 24, 2024**.

SO ORDERED.

January 3, 2024.

REBECCA ROTHERFORD

UNITED STATES MAGISTRATE JUDGE